



The Internet & Television Association

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November 10, 2016

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Special Access, WC Docket No. 05-25;
Investigation of Business Data Services Tariffs, WC Docket No. 15-247;
Business Data Services, WC Docket No. 16-143**

Dear Ms. Dortch:

On November 7, 2016, Jennifer Prime of Cox Enterprises, David Don of Comcast Corporation, Maureen O'Connell of Charter Communications, Inc., Steve Morris of NCTA – The Internet and Television Association (NCTA), and Michael Pryor of Cooley, on behalf of NCTA, met with Claude Aiken, Legal Advisor to Commissioner Mignon Clyburn. On November 8, 2016, Jennifer Prime, David Don, Maureen O'Connell and Michael Pryor, on behalf of NCTA, met with Travis Litman, Senior Legal Advisor to Commissioner Jessica Rosenworcel. During the two meetings, we discussed the above-referenced proceedings on business data services (BDS).

We reiterated our support for Chairman Wheeler's proposal not to impose *ex ante* rate regulation on Ethernet services and expressed our opposition to continued requests by certain parties to impose such regulation on low-bandwidth Ethernet services. We further explained, consistent with previous filings, that excessive BDS regulation would undermine investment in markets that are currently experiencing robust competition.

We also encouraged the Commission to reject a recent proposal by Windstream and the Ad Hoc Telecommunications Users Committee seeking to require ILECs to provide "avoided-cost wholesale discounts" to retail customers that are similarly situated with carrier resellers.¹ We explained that mandating "wholesale" discounts to any segment of customers was unwarranted given the competition that exists in the marketplace and that providing such discounts to retail customers was particularly unwise.

¹ Letter from John Nakahata, counsel to Windstream, and Colleen Boothby, counsel to Ad Hoc, to Marlene Dortch, Secretary, FCC, WC Docket Nos. 16-143; 05-25 & RM-10593 (dated Nov. 3, 2016).

Ms. Marlene H. Dortch
November 10, 2016
Page 2

Respectfully submitted,

/s/ Steven F. Morris

Steven F. Morris

cc: C. Aiken
T. Litman